



U.S. CONSUMER PRODUCT SAFETY COMMISSION
WASHINGTON, DC 20207

Record of Commission Action
Commissioners Voting by Ballot*

Commissioners Voting: Chairman Ann Brown
Commissioner Mary Sheila Gall
Commissioner Thomas H. Moore

ITEM:

Federal Register Notice Requesting Comment on New Petition HP 00-4, on Ban of Baby Bath Seats

DECISION:

The Commission voted unanimously (3-0) to approve a Federal Register notice soliciting written comment on Petition HP 00-4 from the Consumer Federation of America and others requesting that the Commission ban baby bath seats and bath rings used for bathing infants in bathtubs. Commissioner Gall filed a statement concerning her vote, copy attached.

For the Commission:

A handwritten signature in cursive script, reading "Sadye E. Dunn".

Sadye E. Dunn
Secretary

* Ballot vote due August 11, 2000



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**STATEMENT OF THE HONORABLE MARY SHEILA GALL
ON VOTE TO PUBLISH NOTICE IN THE FEDERAL REGISTER
REQUESTING COMMENTS ON PETITION TO BAN BABY BATH SEATS**

August 9, 2000

On June 15, 1994 I voted against the staff recommendation that the Commission begin a regulatory proceeding to develop a standard relating to baby bath seats and rings. I found that baby bath seats and rings did not present a mechanical hazard within the meaning of the Federal Hazardous Substances Act. Infant drownings that occurred while a baby bath seat or ring was present resulted not from the design or manufacture of the product, but rather from the irresponsible behavior of the caregivers in leaving an infant alone in a tub of water. At that time I considered and rejected a theory of foreseeable misuse which held that baby bath seats and rings induced unsafe behavior on the part of caregivers, who relied upon the bath seat or ring to hold the infant safely upright when they left the infant in the tub.

Since that time the staff has continued to collect incidents of infant tub drownings. I have reviewed these incidents as they have been reported and have found nothing that causes me to alter the opinion that I expressed in 1994. Most recently, the Commission has received a petition from Consumer Federation of America and other persons requesting that the Commission undertake a regulatory proceeding to ban baby bath seats and rings. The Commission staff has docketed that petition, as it is required to do under our regulations. The Commissioners must now vote whether or not to publish the notice of the docketing of that petition in the *Federal Register*, and to invite interested persons to comment on the petition.

I am voting to publish the *Federal Register* notice because I am interested in hearing the views of interested persons before deciding whether or not to grant the petition. I will carefully examine all the material submitted in response to the *Federal Register* notice, and I encourage all persons with relevant information to bring it to the attention of the Commission. My view, however, based on the record developed by the Commission staff in 1994, my continuing review of infant tub drownings since that time, and my preliminary review of the in-depth investigations of infant tub drownings involving bath seats, is that such drownings continue to be associated with irresponsible caregiver behavior, and not the characteristics of the product which happens to be present when these tragedies occur.